

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CERIOUS McCRAY,

Petitioner,

20 **CIVIL** 2247 (VB)

-against-

JUDGMENT

ADRIAN H. ANDERSON, Sheriff of Dutchess
County Jail,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated September 24, 2024, Petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2254 is DISMISSED as moot and also for failure to prosecute under Rule 41(b). Because petitioner has not made a substantial showing of the denial of any constitutional right, no certificate of appealability will issue. See 28 U.S.C. § 2253; see also *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 112-13 (2d Cir. 2000). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

DATED: New York, New York
September 24, 2024

DANIEL ORTIZ

Acting Clerk of Court

BY:

K. mango

Deputy Clerk